

REMARKS

I. Status Of The Claims

Claims 1-28 are pending in this Application.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst (U.S. Patent No. 6,131,123) in view of Kahn (U.S. Patent Application No. 2002/0143951).

Claims 13-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurst in view of Kahn, Marzo ("Multicast Algorithms Evaluation Using an Adaptive Routing in ATM Networks"), and Stanforth (U.S. Patent Application No. 2002/0058502).

Claims 1-12 are independent.

With this response, claims 2, 6, 8, and 12 are amended. No new matter has been added.

II. Rejection of Independent Claims

The Office Action rejects independent claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Hurst in view of Kahn.

Turning to the rejection of independent claims 1, 5, 7, and 11 under 35 U.S.C. 103(a) as being unpatentable over Hurst in view of Kahn, Applicants respectfully submit that Hurst and Kahn, taken individually or in combination, to fail, for example, to disclose, teach, or suggest performing an operation:

"... upon a change in the cellular distribution of the
reception group ..."

as set forth in each of independent claims 1, 5, 7, and 11 (emphasis added).

Applicants note that the disclosure of the present application discusses, for

example:

“... a terminal chang[ing] its physical location such that there is a change in the cells that it has a relationship with, thereby changing the cellular distributions of the reception groups to which it belongs”
(see disclosure of the present application p. 3 ln. 23 – p. 4 ln. 1; emphasis added).

The Office Action argues that the above-identified aspect of each of independent claims 1, 5, 7, and 11 is taught at paragraph [0033] of Kahn.

However, Applicants respectfully submit that this portion of Kahn fails, for instance, to disclose, teach, or suggest any consideration of cellular distribution.

Turning to the rejection of independent claims 2, 6, 8, and 12 under 35 U.S.C. 103(a) as being unpatentable over Hurst in view of Kahn, Applicants note that the Office Action, with reference to paragraph [0033] of Kahn, apparently contends with respect to these claims that Kahn teaches that in the case where no attached unicast clients that were being forwarded multicast packets from a particular multicast group respond to the agent’s query message, or in the case where one or more of those unicast clients do respond but none of them include that particular multicast group in their responses, the agent will not indicate to the router that it wants to continue to receive packets from that particular multicast group.

However, Applicants respectfully submit that such would merely be discussion of performing operation in the case where, as evidenced by no clients that were being forwarded multicast packets from a particular multicast group responding or none of them including the multicast group in responses, there are no more clients to be forwarded packets from the multicast group.

Applicants respectfully submit that such is not at all like performing operation:

“... upon a change in the composition of the reception group
...

wherein the change in the composition of the reception group does not result in there being no terminals in the reception group”

as set forth in each of claims 2, 6, 8, and 12 as amended herewith (emphasis added).

Applicants note that the disclosure of the present application discusses, for example that:

“... an MSN might initially determine that UMTS unicast is the best way to distribute, to a reception group subset consisting of three terminals, the multicastable service corresponding to a particular reception group ... [s]uppose that at a later time a fourth terminal joins the reception group. As a result, the MSN might decide that the service should be distributed to the reception group subset consisting of the four terminals via DVB-T multicast using the link provided by a DVB-T cell with which the terminals have a relationship”
(see disclosure of the present application p. 5 ln. 1-10; emphasis added).

Turning to the rejection of independent claims 3, 4, 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Hurst in view of Kahn, Applicants respectfully submit that Hurst and Kahn, taken individually or in combination, fail to disclose, teach, or suggest, for example:

“... selecting from among available cellular distributions for said reception group ...”

as set forth in each of claims 3, 4, 9, and 10.

The Office Action argues that such is disclosed among col. 9 ln. 8-26 and fig. 5 of Hurst. Applicants respectfully disagree.

Applicants respectfully submit that mere discussion that:

“... limiting the TTL parameter value of message 214 in the form of a multicast message to a value of eight (8) avoids unnecessarily burdening those of computers 102B-CC (FIG. 1) whose respective TTL distances from computer 102A are either nine (9) or ten (10) with the multicast message”

(see Hurst col. 9 ln. 21-26; emphasis added)

is not disclosure, teaching, or suggestion of “selecting from among available cellular distributions for said reception group” as set forth in each of claims 3, 4, 9, and 10.

Applicants note that the disclosure of the present application discusses, for example:

“According to embodiments of the invention, relationship information sent by a terminal to an MSN can include a specification of more than one multicast capable cell (e.g., DVB-T cells) and/or more than one unicast-only cell (e.g., UMTS or GPRS cells) that a terminal requesting reception of a multicastable program is capable of communication with. Each of the different possibilities for establishing a relationship between the terminal and a cell of each type corresponds to different potential cellular distributions of the reception groups to which the terminal belongs. Upon receipt of such information, an MSN may act to decide which of the potential cellular distributions is most ideal”
(see disclosure of the present application p. 16 ln. 6-13; emphasis added).

In view of at least the forgoing, Applicants respectfully submit that claims 1-12, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claims

Applicants do not believe it is necessary at this time to further address the rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate

IV. Conclusion

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

V. Authorization

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4057. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: October 26, 2005

By:



Angus R. Gill
Registration No. 51,133

Mailing Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8746
(212) 415-8701 (Fax)